

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

PURDUE PHARMA L.P.; PURDUE PHARMA
INC.; THE PURDUE FREDERICK COMPANY,
INC.; TEVA PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON & JOHNSON;
JANSSEN PHARMACEUTICALS, INC.;
ORTHO-MCNEIL-JANSSEN
PHARMACEUTICALS, INC. n/k/a JANSSEN
PHARMACEUTICALS, INC.; JANSSEN
PHARMACEUTICA, INC. n/k/a JANSSEN
PHARMACEUTICALS, INC.; ENDO HEALTH
SOLUTIONS INC.; ENDO
PHARMACEUTICALS, INC.; ALLERGAN PLC
f/k/a ACTAVIS PLC; ACTAVIS, INC. f/k/a
WATSON PHARMACEUTICALS, INC.;
WATSON LABORATORIES, INC.; ACTAVIS
LLC; ACTAVIS PHARMA, INC. f/k/a WATSON
PHARMA, INC., MALLINCKRODT PLC;
MALLINCKRODT LLC; and SPECGX LLC,
Defendants.

Case No. 14-cv-04361

Honorable Jorge L. Alonso

Magistrate Judge Beth W. Jantz

**STIPULATION CONCERNING RESPONSE TO TOPIC 5 OF
NOTICE OF DEPOSITION UNDER FED. R. CIV. P. 30(b)(6)
TO JANSSEN DEFENDANTS**

WHEREAS on January 22, 2021, Plaintiff, the City of Chicago (the “City”) noticed the deposition of the Defendants Janssen Pharmaceuticals, Inc., Johnson & Johnson, Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc., and Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc. (“Janssen” or “the Janssen Defendants”) pursuant to Fed. R. Civ. P. 30(b)(6), containing 17 topics (the “Notice”); and

Exhibit 1

WHEREAS on February 12, 2021, Janssen objected to the Notice (the “Objection”), referring to previous document productions, interrogatory response, and MDL deposition testimony in response to certain of the deposition topics; and

WHEREAS following service of the objections, the City and Janssen met and conferred concerning the Notice; and

WHEREAS on March 19, 2021, following the meet and confers, and in response to a March 18, 2021 proposal from Janssen, the City notified Janssen by e-mail it would accept a stipulation in response to Topic 5; and

WHEREAS Topic 5 noticed testimony concerning “Your revenue and profits from the sale of Opioids in Chicago and nationally.

THE FOLLOWING STATEMENT IS HEREBY STIPULATED AND AGREED AS BETWEEN THE PARTIES TO THIS STIPULATION:

1. In their regular course of business, the Janssen Defendants did not and do not create or maintain records documenting their profits from the sale of Duragesic, Nucynta IR, or Nucynta ER either on a national or a jurisdiction-specific basis.
2. The Janssen Defendants agree that IQVIA (formerly Quintiles IMS Holdings, Inc.) Xponent data for prescription opioids dispensed from January 1997 through April 2018 produced by Allergan plc and/or its affiliates in In re National Prescription Opiate Litigation (MDL No. 2804) at ALLERGAN_MDL_02485011, ALLERGAN_MDL_03281086, and ALLERGAN_MDL_03320303-311 provide a reasonably accurate and reliable estimate of prescription opioids dispensed in a given jurisdiction.

Dated this 23rd Day of April, 2021

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| <p>CELIA MEZA Acting Corporation Counsel, City of Chicago</p> <p>By: <u>/s/ Kara A. Elgersma</u> Kara A. Elgersma</p> <p>Kenneth A. Wexler Bethany R. Turke Kara A. Elgersma WEXLER WALLACE LLP 55 W. Monroe Street, Suite 3300 Chicago, IL 60603 kaw@wexlerwallace.com brt@wexlerwallace.com kae@wexlerwallace.com Phone: (312) 346-2222 Fax: (312) 346-0022</p> <p>Thomas P. McNulty Fiona A. Burke Elie Zenner City of Chicago, Department of Law 2 N. LaSalle St., Suite 540 Chicago, IL 60602 thomas.mculty@cityofchicago.org fiona.burke@cityofchicago.org elie.zenner@cityofchicago.org Phone: (312) 744-6929 Fax: (312) 742-3832</p> <p>Linda Singer (admitted pro hac vice) Elizabeth Smith (admitted pro hac vice) David I. Ackerman (admitted pro hac vice) MOTLEY RICE LLC lsinger@motleyrice.com esmith@motleyrice.com dackerman@motleyrice.com 401 9th Street NW, Suite 1001 Washington, DC 20004 Phone: (202) 232-5504 Fax: (202) 386-9622</p> <p><i>Attorneys for Plaintiff City of Chicago</i></p> | <p><u>/s/ Justine M. Daniels</u> Justine M. Daniels (<i>admitted pro hac vice</i>) Charles C. Lifland (<i>admitted pro hac vice</i>) Sabrina H. Strong (<i>admitted pro hac vice</i>) O'MELVENY & MYERS LLP 400 S. Hope Street Los Angeles, CA 90071 Telephone: (213) 430-6000 Facsimile: (213) 430-6407 clifland@omm.com sstrong@omm.com jdaniels@omm.com</p> <p>Amy R. Lucas (<i>admitted pro hac vice</i>) O'MELVENY & MYERS LLP 1999 Avenue Of The Stars Los Angeles, CA 90067 Telephone: (310) 246-6784 Facsimile: (310) 246-6779 alucas@omm.com</p> <p><i>Attorneys for Janssen Pharmaceuticals, Inc., Johnson & Johnson, Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc., and Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.</i></p> |
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